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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**EX PARTE MOTION FOR LEAVE TO
FILE OVERLENGTH MEMORANDUM
IN SUPPORT OF IBM'S MOTION FOR
SUMMARY JUDGMENT ON SCO'S
UNFAIR COMPETITION CLAIM (SCO'S
SIXTH CAUSE OF ACTION)**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Pursuant to DUCivR 7-1(e), Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) respectfully submits this Ex Parte Motion for Leave to File Overlength Memorandum in Support of IBM’s Motion for Summary Judgment on SCO’s Unfair Competition Claim (SCO’s Sixth Cause of Action), consisting of approximately twenty-eight pages of argument, exclusive of face sheet, table of contents and authorities, preliminary and fact statements, and appendices and exhibits.

In its Memorandum in Support of Motion for Summary Judgment, IBM demonstrates that SCO’s unfair competition claim fails as a matter of law for at least three independent reasons. This showing requires untangling SCO’s unfair competition claim, which is a mix of SCO’s other causes of action and separate allegations of misconduct regarding Project Monterey (“Monterey”), the joint development project between IBM and The Santa Cruz Operation, Inc. beginning in 1998.

In order to fully address these important issues in its memorandum, IBM required approximately three additional pages of argument beyond the twenty-five pages allotted by DUCivR 56. Accordingly, IBM respectfully requests that it be granted leave to file a Memorandum in Support of Motion for Summary Judgment on SCO’s Unfair Competition Claim (SCO’s Sixth Cause of Action) consisting of approximately twenty-eight pages of argument.

DATED this 25th day of September, 2006.

SNELL & WILMER L.L.P.

/s/ Amy F. Sorenson

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

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